

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re

Achaogen, Inc.,

Debtor.<sup>1</sup>

Chapter 11

Case No. 19-10844 (BLS)

Edward E. Neiger, not individually but as Plan  
Trustee of the Achaogen Plan Trust,

Plaintiff

v.

Cipla USA Inc.,

Defendant.

Adv. Pro. No. 21-50479 (BLS)

**STIPULATION AND REVISED SCHEDULING ORDER**

IT IS HEREBY STIPULATED AND AGREED, by the parties hereto, through their undersigned counsel, subject to the approval of the Court, as follows:

1. The following schedule shall govern the proceedings in this matter:<sup>2</sup>

<b>ACTION</b>	<b>DATE</b>
a) Provide initial disclosures under Fed. R. Civ. P. 26(a)(1).	21 days following entry of Order resolving Defendant's Motion to Dismiss
b) Deadline to amend pleadings	The later of (i) December 15, 2021 or (ii) 60 days following entry of Order resolving Defendant's Motion to Dismiss
c) Deadline to join parties	The later of (i) December 15, 2021 or (ii) 60 days following entry of Order

<sup>1</sup> The last four digits of Achaogen's federal tax identification number are 3693. The last four digits of the Achaogen Plan Trust's tax identification number are 4172.

<sup>2</sup> This Order shall supersede and replace the *Scheduling Order* entered August 23, 2021 [Adv. Pro. No. 14].

	resolving Defendant's Motion to Dismiss
d) Deadline to notify the Court of agreed-upon mediator or to request the Court to appoint a mediator.	January 31, 2022
e) Mediation deadline.	The later of (i) April 30, 2022 or (ii) 60 days following entry of Order resolving Defendant's Motion to Dismiss
f) Deadline to complete fact discovery, including depositions (except for any fact discovery subject to a motion to compel or motion for protective order pending on this date).	The later of (i) June 30, 2022 or (ii) 180 days following entry of Order resolving Defendant's Motion to Dismiss
g) Plaintiff's identification of expert witnesses and disclosure of opening expert reports, if any.	30 days after deadline to complete fact discovery
h) Defendant's identification of expert witnesses and disclosure of opening expert reports, if any.	30 days after Plaintiff's deadline to identify expert witnesses
i) Plaintiff's disclosure of rebuttal expert reports, if any.	30 days after Defendant's deadline to identify expert witnesses
j) Completion of expert discovery, including expert depositions (Except for any expert discovery subject to a motion to compel or motion for a protective order pending on this date).	60 days after receipt of rebuttal report(s)
k) Deadline to file dispositive motions	45 days after completion of expert discovery

2. For the avoidance of doubt, discovery shall not proceed until the entry of an Order resolving Defendant's Motion to Dismiss.

3. Depositions shall be taken on reasonable notice, and the parties shall work together in good faith on the scheduling of depositions. For avoidance of doubt, any deposition may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means.

4. Dispositive motions shall be subject to Del. Bankr. L.R. 7007-1 and 7007-2.

5. If any issues remain following dispositive motions, the Court will hold a status conference and discuss a pretrial schedule and pretrial proceedings at that time.

6. The parties may amend the dates set forth in paragraph 1 of this Order by written agreement, without Court approval. This Order is without prejudice to any party seeking leave of the Court to modify this schedule for good cause.

7. Within five (5) days of the entry of an Order resolving Defendant's Motion to Dismiss, each party shall identify its respective "e-discovery liaison" under Local Rule 7026-3(c) and its respective "retention coordinator" for the designating party pursuant to Local Rule 7026-3(g).

Dated: August 23, 2021

**COLE SCHOTZ P.C.**

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*Counsel for Edward E. Neiger, in his Capacity as  
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*Counsel to Cipla USA Inc.*

Dated: August 24th, 2021  
Wilmington, Delaware

  
BRENDAN L. SHANNON  
UNITED STATES BANKRUPTCY JUDGE